

## OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK

## UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT  
 21400 UNITED STATES COURTHOUSE  
 601 MARKET STREET  
 PHILADELPHIA 19106-1790

TELEPHONE  
 215-597-2995

August 21, 2006

Peter T. Dalleo, Clerk  
 United States District Court  
 J. Caleb Boggs Federal Building  
 Lockbox 18  
 844 King Street  
 Wilmington, DE 19801-3570

Re: Bacon v. Carroll, et al  
D. Del. No. 06-cv-0267-JJF

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached Motion for Appointment of Counsel and application for Certificate of Appealability which should be construed as a notice of appeal which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. **These documents were postmarked August 17, 2006 and should be docketed as of that date.**

These documents are being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of these documents, kindly process them according to your Court's normal procedures. If your office has already received these same documents, please disregard the enclosed copies to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

Marcia M. Waldron, Clerk

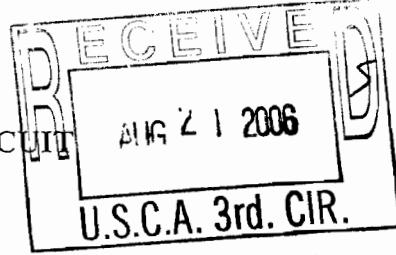
By: /s/ Bradford A. Baldus  
 Bradford A. Baldus  
 Senior Legal Advisor to the Clerk

Enclosure

cc: Devearl L. Bacon SBI #221242 (w/out encl.)

Devearl L. Bacon SBI #221242  
Delaware Correctional Center, Unit 21-A, L-3  
1181 Paddock Road  
Smyrna, DE 19977

NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT



U.S. District Court for the District of Delaware

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

DEVEAR/ L. BACON

WARDEN CARROLL

Notice is hereby given that DEVEAR/ L. BACON  
(Named Party)  
appeals to the United States Court of Appeals for the Third Circuit from [  Judgment, [  Order,  
[  Other (specify) \_\_\_\_\_

entered in this action on July 27, 2006  
(date)

DATED: August 10, 2006

PRO-SE

(Counsel for Appellant Signature)

DEVEAR/ L. BACON

(Name of Counsel-Typed)

D. C. C. Prison

(Address)

1181 Paddock Rd.

Smyrn, Del. 19977

(Telephone Number)

N/A

(Counsel for Appellee)

(Address)

(Telephone Number)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.

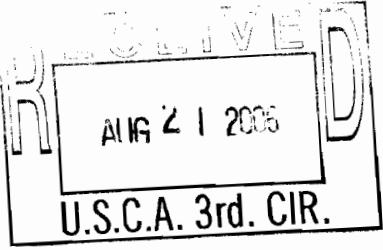
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SEVEAR L. BACON

APPELLANT,

v.  
WARDEN CARROLL

APPELLEE.



CIVIL ACTION NO. \_\_\_\_\_

RECEIVED  
U.S. COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
AT PHILADELPHIA

MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW, the appellant, SEVEAR L. BACON, pro se, and moves this Honorable Court for Appointment of Counsel, to represent appellant.

In support of this Motion appellant states that the following is true and correct, to the best of his knowledge and belief:

1. Appellant is incarcerated.
2. Appellant is unskilled in the law.
3. The administration at the Delaware Correctional Center where the appellant is held limits the days and times that appellant is allowed access to the law library.
4. Appointment of counsel would serve "the best interests of justice" in this case.

WHEREFORE, appellant prays this Honorable Court appoint counsel to represent the appellant.

DATE: August 10, 2006

Delaware Corr. Center  
Smyrna, DE 19977

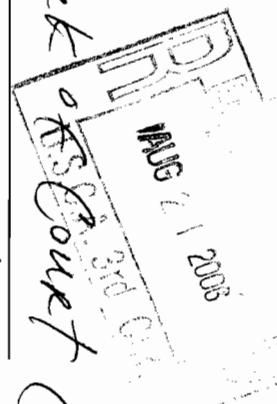
IM Severak C. Bacon  
SBI# 221242 UNIT 21-A-C-3

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

Clerk of Court (3d Cir.)



J.S.M.S.  
J.S.RAY

21400 US Courthouse  
601 Market St.  
Philadelphia, Pa.

12106-1790

19106-1729-99 CO19

*Legal Mail*